

REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed July 25, 2005. In this amendment, claims 12-42 stand rejected. In this Amendment, claims 12, 14, 19, 20, 27-30, 33, 35-38 and 41 have been amended. No new matter has been added.

35 U.S.C. §112

Claims 12-42 are rejected under 35 U.S.C. §112, second paragraph, as failing to comply with the enablement requirement. The Examiner submits that the second range is not shown in the drawings. Applicants respectfully disagree.

Applicants have amended the claims to clarify that the first range is a first wireless range and the second range is a second physical range, both of which are described in detail in the specification.

The second range is shown in each of Figures 1-3. The second range is the physical range 28, shown in Figures 1 and 2. In addition, Figure 3 illustrates the process in which the wireless range is first detected (i.e., first wireless range) at step 70, and, secondly, the physical range (second physical range) is determined at step 72.

Moreover, Applicants would like to kindly point out that 35 U.S.C. §112 does not require that the drawings of a patent application show every claimed feature. In contrast, 35 U.S.C. §112 only states that "applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." 35 U.S.C. §112 does not state the drawings "must" show every claimed feature. Accordingly, Applicants have elected to not show the wireless range in Figures 1 and 2 because it would be difficult to show the wireless range in those drawings, and it is not necessary for an understanding of the subject matter sought to be patented. The physical

range is shown in Figures 1 and 2, and both the wireless and physical ranges are shown in Figure 3, and are described in the present specification (e.g., page 4, paragraph 2; page 5, last paragraph; page 6, first paragraph; page 7, first paragraph; page 10, first paragraph, etc.).

Accordingly, Applicants respectfully request withdrawal of the above rejection.

35 U.S.C. §§102(e) and 103(a)

The Examiner has rejected claims 12, 20, 26-28, 35-36 and 42 under 35 U.S.C. §102(e) as being anticipated by Xydis, (U.S. Patent No. 6,456,958, hereinafter “Xydis”). Claims 13-15, 21, 22, 25, 31-34 and 39-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Xydis, in view of Berliner, et al., (U.S. Patent No. 6,731,908, hereinafter “Berliner”). Claims 16, 23, 29 and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Xydis, in view of Hind, et al., (U.S. Patent Application No. 2002/0174025, hereinafter “Hind”). Claims 17-19, 24, 30 and 38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Xydis, in view of Keller, et al., (U.S. Patent Application No. 2002/0054412, hereinafter “Keller”). As discussed below, the pending claims are patentable over the above references.

As discussed in our prior response, Xydis discloses a method for determining the distance between a computer and a token carried by a user for allowing the user to access the computer. The computer is connected to a first transceiver that includes a processor for enabling and disabling the computer, an antenna for emitting and detecting an RF signal, a microphone for detecting an audio signal, and a counter for measuring a time interval between a transmitted RF signal and audio signal from the token. The token is connected to a second transceiver that includes an antenna for emitting and detecting a RF signal and a loudspeaker for emitting an

audio signal. When the processor determines that the measured time interval is within a predetermined time range, it enables the computer to allow the user to have access to the enabled computer. When the time interval is outside the predetermined time range, the processor disables the computer.

The counter in Xydis uses the same RF signal that is emitted and detected by the antenna to determine the time interval. Therefore, Xydis uses the same signal to both find a portable device within range of the RF signal and determine the distance between the portable device and the computer.

In contrast, in the presently claimed invention, the wireless communication interfaces communicate with one another to locate portable devices within range of the computer access device, and a separate range sensor and range sensing component communicate with one another independent of the wireless communication interfaces to locate the portable device within physical range of the computer access device.

Accordingly, Xydis lacks the features of the present invention that are included in the following language of claim 20:

a first wireless communication interface to communicate with at least one portable electronic device having a second wireless communication interface when a distance between the portable electronic device and the computer access device is within a first wireless range; and

a range sensor to sense when a distance between the portable electronic device and the computer access device is within a second physical range, wherein the range sensor communicates with the portable electronic device separate from the first and second wireless communication interfaces.

Similar language is included in claims 20, 27 and 35. Thus, claims 12, 20, 27 and 35 and their corresponding dependent claims are not anticipated by Xydis.

In addition, claims 27 and 35 include the further limitation: “establishing substantive communications with the second device using the communications interface.” This feature is also lacking from Xydis.

Xydis teaches that a user is able to access the computer only when the portable electronic device is within the predetermined time interval. There is no substantive communication between the token and the computer in Xydis.

In contrast, in the presently claimed invention, the portable electronic device and the computer access device commence substantive communication automatically when the portable device is within the physical range.

Accordingly, Xydis lacks this feature and claims 27 and 35 and their corresponding dependent claims are not anticipated by Xydis.

The above limitations that lack from Xydis are also missing from each of Berliner, Hind and Keller. Thus, the cited references taken alone or in combination do not teach or suggest the present invention as claimed in claims 12, 20, 27 and 35, and their corresponding dependent claims.

In light of the above, Applicants respectfully submit that the rejections under 35 U.S.C. § 102 and 103 have been overcome, and withdrawal of these rejections is therefore respectfully requested.

DEPOSIT ACCOUNT AUTHORIZATION

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



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Marina Portnova
Reg. No. 45,750

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300